

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN CIVIL LIBERTIES UNION, CENTER FOR
CONSTITUTIONAL RIGHTS, PHYSICIANS FOR HUMAN
RIGHTS, VETERANS FOR COMMON SENSE AND
VETERANS FOR PEACE,

Plaintiffs,

v.

DEPARTMENT OF DEFENSE, AND ITS COMPONENTS
DEPARTMENT OF ARMY, DEPARTMENT OF NAVY,
DEPARTMENT OF AIR FORCE, DEFENSE INTELLIGENCE
AGENCY; DEPARTMENT OF HOMELAND SECURITY;
DEPARTMENT OF JUSTICE, AND ITS COMPONENTS
CIVIL RIGHTS DIVISION, CRIMINAL DIVISION, OFFICE
OF INFORMATION AND PRIVACY, OFFICE OF
INTELLIGENCE, POLICY AND REVIEW, FEDERAL
BUREAU OF INVESTIGATION; DEPARTMENT OF STATE;
AND CENTRAL INTELLIGENCE AGENCY,

Defendants.

DOCKET NO. 04-CV-4151 (AKH)

Document Electronically Filed

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of
Plaintiffs' Motion For Contempt And Sanctions, dated December 12, 2007, and the exhibits
annexed thereto, and upon all prior pleadings, Plaintiffs American Civil Liberties Union
("ACLU"), Center for Constitutional Rights ("CCR"), Physicians for Human Rights ("PHR"),
Veterans for Common Sense ("VCS") and Veterans for Peace ("VP") hereby move before The
Honorable Alvin K. Hellerstein, U.S. District Judge, at the United States District Court for the
Southern District of New York, located at 500 Pearl Street, New York, New York, for the entry
of an Order :

- (1) Holding Defendant CIA in contempt of court;
- (2) Requiring Defendant CIA to file publicly with the Court a list that identifies with specificity all responsive records that have been destroyed or removed, the date they were destroyed or removed, and the official on whose authority they were destroyed or removed, along with sworn declarations from individuals with firsthand knowledge describing how the list was compiled;
- (3) Requiring Defendant CIA to file under seal with the Court a written document (“Written Reconstruction”) that describes in as much detail as possible each of the records that has been destroyed or removed, and to file publicly with the Court sworn declarations from individuals with firsthand knowledge attesting that the Written Reconstruction is accurate and as detailed as possible;
- (4) Allowing Plaintiffs limited discovery regarding (2) and (3) above;
- (5) Requiring Defendant CIA immediately to provide plaintiffs with the Written Reconstruction or with a *Vaughn* declaration explaining why the Written Reconstruction should be withheld;
- (6) Prohibiting Defendant CIA from destroying, removing or tampering with all remaining records currently in its possession or control that may be responsive to Plaintiffs’ FOIA requests;
- (7) Ordering Defendant CIA to pay all attorneys’ fees and costs associated with Plaintiffs’ efforts to obtain responsive records from the CIA in this litigation, including efforts made in connection with this Motion;

(8) For such other relief as may be just and proper.

Respectfully submitted,

/AS/

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Dated: Dec. 12, 2007

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